

**NOT FOR PUBLICATION**

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NO. 25360

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.  
MICHAEL B. SAMSON, Defendant-Appellant

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(Cr. No. 54402)

SUMMARY DISPOSITION ORDER

(By: Burns, C.J., Watanabe, and Lim, JJ.)

Defendant-Appellant Michael B. Samson (Samson), who was convicted of murder and sentenced to life imprisonment with the possibility of parole on September 26, 1980, appeals the "Findings of Fact, Conclusions of Law and Order Denying Motion for Correction of Illegal Sentence Pursuant to [Hawai'i Rules of Penal Procedure (HRPP)] Rule 35" entered by the Circuit Court of the First Circuit (the circuit court), Judge Wilfred K. Watanabe presiding, on September 18, 2002.

Samson contends that: (1) his sentence to life imprisonment with the possibility of parole pursuant to HRS § 706-606 (1976 Repl.) is now illegal because Hawaii Revised Statutes (HRS) § 706-606 "is no longer on the books"; (2) the circuit court violated his constitutional and statutory rights when it failed to afford him counsel to represent him on his HRPP Rule 35 motion; and (3) the circuit court exhibited bias and prejudice in ruling on his motion.

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Based on our review of the record, and having duly considered the statutes and case law relevant to the arguments raised by Samson, particularly State v. Levi, 102 Hawai'i 282, 75 P.3d 1173 (2003), we disagree with Samson.

Accordingly, we affirm the September 18, 2002 order from which this appeal was taken.

DATED: Honolulu, Hawai'i, May 6, 2004.

On the briefs:

Michael B. Samson,  
defendant-appellant *pro se*.

Mangmang Qiu Brown, deputy  
prosecuting attorney, City  
and County of Honolulu, for  
plaintiff-appellee.